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AG Shapiro to U.S. Attorney General Garland: Firearm Regulations Must Include Ghost Guns

AUGUST 20, 2021 | TOPIC:

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HARRISBURG—Attorney General Josh Shapiro has led a multi-state coalition in submitting a [comment](#) to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) that encourages the ATF to finalize regulations that would make clear that “ghost guns” are firearms under federal law. By finalizing regulations, the ATF would dramatically reduce the availability of untraceable guns and would take a significant step in addressing the current gun violence epidemic.

AG Shapiro has previously called on U.S. Attorney General Merrick Garland and federal lawmakers to close loopholes that allow prohibited purchasers to buy weapon parts kits and “80% percent receivers” that can easily be assembled into functioning guns.

“In 2019, my office sounded the alarm. Guns assembled from kits are becoming the weapon of choice for criminals and are fueling the gun violence epidemic in Pennsylvania,” said Attorney General Shapiro. “The proposed rule change will close a loophole that gun dealers have eagerly exploited to sell products that allow people to quickly make untraceable guns at home. I call on the ATF and Attorney General Garland to take action now.”

The proposed rule, *Definition of ‘Frame or Receiver’ and Identification of Firearms*, updates the ATF’s interpretations of “firearm” and “frame or receiver” as used in the Gun Control Act of 1968 to clarify that weapon kits and incomplete weapon parts, both of which can be easily converted into functioning guns, are covered by the Act. The ATF’s current regulations effectively allow people, including people prohibited from owning a gun under federal law, to obtain a weapon without undergoing any background check. As the coalition of Attorneys General explained:

“Certain firearm dealers have capitalized on these regulatory loopholes and actively promote that so-called “ghost guns”—meaning weapon kits or partially complete frames or receivers that can easily be converted into unserialized, operable weapons— can be purchased unencumbered by federal regulation.”

The comment explained that, to maintain the integrity of the Gun Control Act, the ATF must revise its regulations so that they encompass modern gun designs. Otherwise, federal regulations cannot accomplish what Congress intended when it passed the Gun Control Act.

“For the Gun Control Act to work as Congress envisioned, the manufacture, transfer, and possession of firearms must all occur within the Act’s strictures. When any of that activity happens beyond the Act’s parameters, the Gun Control Act cannot ‘keep guns out of the hands of criminals and others who should not have them’ or ‘assist law enforcement authorities in investigating serious crimes,’ as the statute is supposed to do. ...The Bureau’s non-enforcement of this statutory language has created room for firearm manufacturers and dealers to defy the statute.”

The group also argued that this loophole contributes to the growing numbers of shootings in cities like Philadelphia, where year-to-date homicide numbers are 22 percent greater than they were at the same point in 2020. According to current reporting from Pennsylvania law enforcement, the Philadelphia Police Department recovered 287 ghost guns in the first half of 2021. Nine percent of all guns recovered following a gun crime were ghost guns. The analogous figures for 2019 were 95 recoveries, and two percent.

Attorney General Shapiro co-led the comment with the Attorneys General from the District of Columbia and New Jersey. They were joined by the Attorneys General from California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Washington, and Wisconsin.

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